

City Council finalizes mobile vending ordinance

March 29, 2020



In a time when many restaurants are scaling back operations due to a ban on dine-in eating to prevent the spread of the coronavirus, one entrepreneur has finally debuted his food cart this week.

Dave Gearhart applied for a mobile vending permit under the city's previous ordinance but had to wait months while officials hashed out new regulations.

The path has been cleared for mobile vendors to take to the streets and sidewalks in Crescent City after the City Council approved a new ordinance on March 16.

Gearhart said he and his wife Suzie have since received a letter from the city authorizing them to begin operations March 26. They await official paperwork because city offices are closed to foot traffic due to the COVID-19 social distancing rules.

"They didn't want to hold me up anymore," Gearhart said.

He said Dave & Suzie's Grub Hut will operate from the CVS parking lot, located at 657 U.S. Highway 101, Fridays and Saturdays tentatively from 11 a.m. to 6 p.m.

Their 28-foot trailer, a Class 4 kitchen will feature gourmet hotdogs, chips baked potatoes, sodas and water and much more.

He added they don't have to worry about social distancing rules as their truck has a 14-inch screened window separating them from customers.

"We're not going to be in anybody's face," Gearhart said.

The Gearharts had been eagerly awaiting a final version of the city's mobile vending ordinance as it went back and forth between the city's Planning Commission and the City Council. Ironically, they were not present on March 16 when it passed.

Public Works Director Jon Olson, reporting to the council meeting via Zoom, explained in August 2019, the City Council directed staff to work with the Planning Commission on updating the mobile or temporary vending operations ordinance. A first draft was brought to the City Council on Nov. 2 and was sent back to the Planning Commission with questions and issues addressed by council members.

Olson said this final draft, approved by the Planning Commission on March 12, brings Crescent City into compliance with California State Bill 946, the Safe Sidewalk Vending Act. Olson added the new language relaxes what mobile vendors can sell and how they can conduct their business.

"One of the biggest changes is allowing mobile vending, as suggested in the current version of the ordinance, in residential districts — on city streets and on private property in residential districts through a use permit. I could potentially set up a hot dog stand that was mobile in my sideyard or backyard that would be subject to a use permit," Olson said.

Olson added that the ordinance also allows vendors to operate within the city's commercial zones, waterfront district and residential-professional district.

In city streets or public parking lots, it will be a by-right permit — city issues a business license, check a box that says mobile vending, comply with other ordinances that go with sales, such as safety inspection by the fire department and by County Health Inspector, then allowed to vend on public property.

"The application is really intended to reduce barriers to gaining a permit. The business license and the mobile vending permit would be transferable from one business owner to the next," Olson said.

The mobile vending ordinance outlines the following regulations:

- No drive-thru situations for cars, unless a patron has accessibility needs.
- Business and advertising signs will be limited being place on the business cart, vehicle or trailer.
- The vending area will be limited to 400-square feet in public parking areas, but not private property.
- Mobile vending does not supersede special permits, such as First Friday. Vendors that are a part of that activity are preferred.

- Restrict distance between special events, such as the Farmer’s Market, to 300 feet.
- Time of operation shall be generally between 7 a.m. to 10 p.m., except around schools.
- No operating within 300 feet of school before 4 p.m. on a school day.
- Vendors can sell any product or craft, except used goods, alcohol, tobacco or cannabis.

Sidewalk vendors would have the same time of operation restrictions and distance to other special events.

The earliest it would be implemented is May 6.

Crescent City Attorney Martha Rice addressed concerns of mobile vendors setting up near brick and mortar stores or similar businesses.

The original wording of “substantially similar” business was too vague and would require the city to sharpen the definition of what that meant.

Also, to impose a distance requirement, the city would need to have “legitimate governmental concern.” She added any specific concerns could be addressed after the ordinance was implemented.